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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/594,597	09/28/2006	Kazutaka Ikeda	0649-L380PUS1	6839	
2252	7590	01/26/2009 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			
				EXAMINER	
				KAPUSHOC, STEPHEN THOMAS	
ART UNIT		PAPER NUMBER			
		1634			
NOTIFICATION DATE		DELIVERY MODE			
01/26/2009		ELECTRONIC			

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10594597	9/28/2006	IKEDA ET AL.	0649-1380PUS1
<b>EXAMINER</b>			
BIRCH STEWART KOLASCH & BIRCH			Stephen Kapushoc
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ART UNIT		PAPER	
1634		20090109	

DATE MAILED:

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**Commissioner for Patents**

Non-Responsive Amendment

The reply filed on 10/08/2008 is not fully responsive to the prior Office Action (the Requirement for Restriction of 09/08/2008) because of the following omission(s) or matter(s):

Applicants have elected for the examination the claims of Group I as they specifically require haplotype No. 5 (AGAC) as disclosed in Table 8 (p.55) of the specification.

Review of the Elected haplotype in Table 8 and the information of Table 4 indicates that the Elected haplotype comprises: A118G (SEQ ID NO: 15); IVS2 +G691C (SEQ ID NO: 24); IVS3 +A6151G (SEQ ID NO: 28); and IVS3 +C8497T (SEQ ID NO: 30).

However, as amended, the claims require at least one nucleotide sequence from at least two groups of SEQ ID NOs: 1-15; 16 and 25; 26 and 27; 28-98.

As such there is no recitation in the claims that is inclusive of SEQ ID NO: 24, which is required for IVS2 +G691C of the Elected haplotype, and the amendment to the claims is non-responsive as it is not consonant with the Election.

See 37 CFR 1.111. Since the above- mentioned reply appears to be bona fide, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

/Stephen Kapushoc/  
Examiner, Art Unit 1634